

AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 454

Introduced by Senator Corbett

February 21, 2013

An act to add Chapter 8.7 (commencing with Section 44268) ~~of to~~ Part 5 of Division 26 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 454, as amended, Corbett. ~~Air~~ *Public* resources: electric vehicle charging stations.

Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission ~~(Energy Commission)~~, that authorizes, among other things, upon appropriation by the Legislature, a grant program to provide funding for homeowners who purchase a plug-in electric vehicle to offset costs associated with modifying electrical sources that includes a residential plug-in electric vehicle charging station.

Existing law also creates a grant program for the purchase and lease of zero-emission vehicles, as defined, in the state, to be developed and administered by the State Air Resources Board, in conjunction with the ~~Energy Commission~~ *commission*. The program provides grants to specified recipients in an amount equal to 90% of the incremental cost above \$1,000 of an eligible new zero-emission light-duty car or truck, as defined.

This bill would create the Electric Vehicle Charging Stations Open Access Act that would ~~require, among other things, that an electric vehicle charging station that is installed in a public parking space be~~

~~made available for use by the general public. The bill would provide that prohibit the charging of a subscription fee on persons desiring to use the an electric vehicle charging station shall not be required to pay a subscription fee in order to use the station, and shall not be required, as defined, and would prohibit a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified. The bill also would also authorize an electric vehicle charging station to require additional out-of-network charges for roaming users if those charges are disclosed to the public, as specified. The bill would require an electric vehicle charging station to provide one or more to the general public at least one of 2 specified options of payment to the general public and would strongly encourage owners of electric vehicle charging stations in public parking spaces to clearly mark their charging stations with Department of Transportation approved signage at the station and at the entrance to the parking area or facility where the station is located.~~

~~The bill would require all electric vehicle charging stations in public parking spaces persons that provide electricity for a fee or monthly subscription electric vehicle charging services to disclose to the public and the State Energy Resources Conservation and Development Commission commission the station's geographic location, including specific location in the parking lot or garage if applicable, accepted methods of payment, the amount of the fees or monthly subscription charged, any additional charges nonsubscribers or to nonmembers or, including out-of-network charges, and how a consumer can find out if the charging station is available for roaming users. The bill would authorize the commission to provide this information to the National Renewable Energy Laboratory or other governmental entities for the purposes of compiling it and providing the information to the public.~~

~~The bill would also require the commission, on or after January 1, 2015, to adopt interoperability standards for network roaming payment methods for electric vehicle charging stations, and would require, if the commission adopts standards, all electric vehicle charging stations that require payment to meet those standards within one year. The bill would require the Department of Consumer Affairs to maintain a toll-free telephone number and e-mail email address to collect complaints about electric vehicle charging stations from electric vehicle owners or drivers. The bill would authorize the department to respond to consumer complaints and would require the department to summarize those~~

complaints by number and type of complaint and make the summary available to the public.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California is the nation's largest market for cars and
4 light-duty trucks.

5 (b) The transportation sector is the biggest contributor to
6 California's greenhouse gas emissions and accounts for
7 approximately 40 percent of these emissions.

8 (c) California should encourage the development and success
9 of zero-emission vehicles to protect the environment, stimulate
10 economic growth, and improve the quality of life in the state.

11 (d) *California should encourage and support the development*
12 *of infrastructure for open and accessible public charging stations*
13 *as well as industry efforts to develop interoperability standards*
14 *for those charging stations.*

15 (d)

16 (e) In order to reach the goal of 1.5 million electric drive
17 vehicles in California by 2025, electric vehicle (EV) consumers
18 need confidence that they can access a robust network of EV
19 charging stations. Any EV driver should be able to access any
20 publicly available charging station, regardless of the system
21 provider.

22 (e)

23 (f) EV consumers and drivers need to be able to find the stations
24 and know how much they cost ~~so that electricity can become a~~
25 ~~reliable commodity as a transportation fuel. Consumers will gain~~
26 ~~confidence from fuel pricing transparency and learn the key~~
27 ~~advantage of a fuel which costs the equivalent of less than \$1 per~~
28 ~~gallon of gasoline.~~

29 (f)

30 (g) It is the intent of the Legislature to (1) promote a positive
31 driving experience ~~to assist by assisting~~ in the widespread
32 deployment of electric vehicles, (2) *not limit the ability of a*
33 *property owner or lessor of public parking spaces, as defined in*

1 *Section 44268, to restrict use or access of those parking spaces,*
2 *and (3) provide procedures that allow EV drivers to access EV*
3 *charging station services for a cost or fee through a*
4 *network-roaming arrangement from various EV service providers.*

5 SEC. 2. Chapter 8.7 (commencing with Section 44268) is added
6 to Part 5 of Division 26 of the Health and Safety Code, to read:

7
8 CHAPTER 8.7. ELECTRIC VEHICLE CHARGING STATIONS OPEN
9 ACCESS ACT

10
11 44268. As used in this chapter, the following definitions shall
12 ~~apply~~ *terms have the following meanings:*

13 (a) “Battery” means an electrochemical energy storage system
14 powered directly by electrical current.

15 (b) “Battery charging station” means an electric component
16 assembly or cluster of component assemblies designed specifically
17 to charge batteries within electric vehicles *by permitting the*
18 *transfer of electric energy to a battery or other storage device in*
19 *an electric vehicle.*

20 (c) “Electric vehicle” means a vehicle that uses an electric motor
21 for all or part of the motive power of the vehicle, including battery
22 electric, plug-in hybrid electric, or plug-in fuel cell vehicle.

23 (d) “Electric vehicle charging station” means ~~any one or more~~
24 ~~public parking-space spaces~~ located together with a battery
25 charging station ~~that supplies electricity for the purpose of~~
26 ~~recharging electric vehicles by permitting the transfer of electric~~
27 ~~energy to a battery or other storage device in an electric vehicle.~~
28 An electric vehicle charging station may include several charge
29 points simultaneously connecting several electric vehicles to the
30 station and any related equipment needed to facilitate charging
31 ~~plug-in~~ electric vehicles.

32 (e) “Interoperability standards” means the ability for a member
33 of one electric charging station network to use another network.

34 (f) “Network roaming” means the act of a member of one
35 electric charging station network using a charging station that is
36 outside of the member’s network with his or her network account
37 information.

38 (g) “Public parking space” means a parking space that is
39 available to, *and accessible by, the general public and does includes*
40 *on-street parking spaces, parking spaces in surface lots or*

1 *underground or above-ground parking garages, and designated*
2 *visitor parking spaces in a private business parking lot. "Public*
3 *parking spaces" shall not include a parking space that is part of,*
4 *or connected to, a residence or for exclusive use of employees.*
5 *Public parking spaces include, but are not limited to, onstreet*
6 *parking, parking spaces at places of employment, office buildings,*
7 *schools, hotels, airports, shopping centers, or restaurants. connected*
8 *to, a private residence or a parking space that is reserved for the*
9 *exclusive use of an individual driver or vehicle or for a group of*
10 *drivers or vehicles, such as employees, tenants, customers, or*
11 *residents of an adjacent building. Nothing in this article limits the*
12 *ability of the owner or lessor of the parking space from restricting*
13 *use of the parking space.*

14 44268.2. (a) ~~An electric vehicle charging station that is~~
15 ~~installed in a public parking space shall be made available for use~~
16 ~~by the general public.~~ (1) Persons desiring to use the *an* electric
17 vehicle charging station *that requires payment of a fee* shall not
18 be required to pay a subscription fee in order to use the station,
19 and shall not be required to obtain membership in any club,
20 association, or organization as a condition of using the station. ~~An~~
21 *Use of an* electric vehicle charging station may require additional
22 out-of-network charges *for nonmembers* if those charges are
23 disclosed to the public, *pursuant to subdivision (b).* An electric
24 vehicle charging station shall provide *to the public* one or ~~more~~
25 *both* of the following options of payment ~~to the general public~~:

26 (1)
27 (A) Pay directly via credit card.
28 (2)
29 (B) Pay over the ~~phone~~ *telephone* through a toll-free telephone
30 number established and displayed on *or near* the charging station.
31 (3)
32 (2) Pay ~~through a network roaming arrangement.~~
33 *Notwithstanding paragraph (1), an electric vehicle charging station*
34 *may offer services on a subscription- or membership-only basis*
35 *provided those electric vehicle charging stations allow*
36 *nonsubscribers or nonmembers the ability to use the electric*
37 *vehicle charging station through the payment options detailed in*
38 *paragraph (1).*

39 (b) All ~~electric vehicle charging stations in public parking spaces~~
40 ~~that provide electricity for a fee or monthly subscription~~ *persons*

1 *providing electric vehicle charging services* shall disclose to the
2 public and the State Energy Resources Conservation and
3 Development Commission the station's geographic location;
4 ~~including specific location in the parking lot or garage if applicable,~~
5 accepted methods of payment, the amount of the fees ~~or monthly~~
6 ~~subscription~~ *charged to nonsubscribers or nonmembers for*
7 *single-use charging services or stations, including any additional*
8 *charges to nonmembers or out-of-network charges, and how a*
9 ~~consumer can find out if the charging station is available for~~
10 *roaming users.* The commission may provide this information to
11 the National Renewable Energy Laboratory or other governmental
12 entities for the purposes of compiling it and providing the
13 information to the public.

14 ~~(e) Owners of electric vehicle charging stations in public parking~~
15 ~~spaces are strongly encouraged to clearly mark their charging~~
16 ~~stations with Department of Transportation approved signage at~~
17 ~~the station, and at the entrance to the parking area or facility where~~
18 ~~they are located.~~

19 *(c) Electric vehicle charging stations subject to the requirements*
20 *of this section shall be labeled in accordance with Part 309 of*
21 *Title 16 of the Code of Federal Regulations, and where*
22 *commercially reasonable and feasible, be clearly marked with*
23 *appropriate directional signage in the parking area or facility*
24 *where they are located.*

25 (d) On or after January 1, 2015, the commission may adopt
26 interoperability standards for network roaming payment methods
27 for electric vehicle charging stations. If the commission adopts
28 *interoperability billing* standards, all electric vehicle charging
29 stations *that require payment* shall meet those standards within
30 one year. The commission may adopt *interoperability* standards
31 promulgated by an outside authoritative body.

32 (e) The Department of Consumer Affairs shall maintain a
33 toll-free telephone number and ~~e-mail~~ *email* address to collect
34 consumer complaints about electric vehicle charging stations from
35 electric vehicle owners or drivers. The department may respond
36 to complaints. The department shall summarize the complaints by
37 number and type of complaint and make the summary available
38 to the public.

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